

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

BILLIE J. OWEN,)	
)	
Plaintiff,)	
)	Case No. 1:21-cv-194
v.)	
)	
MISSISSINEWA COMMUNITY)	
SCHOOLS,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Please take notice the Defendant, Mississinewa Community Schools, has removed this action from the Grant County Circuit Court to the United States District Court for the Northern District of Indiana, Ft. Wayne Division. Grant County Circuit Court is located within the jury division of the United States District Court for the Northern District of Indiana, Ft. Wayne Division. Copies of all process, pleadings, and orders of record are attached hereto and made a part hereof.

GROUND FOR REMOVAL

1. On April 8, 2021, Plaintiff, Billie J. Owen, filed her Complaint for Damages in the Grant County Circuit Court, Cause No. 27C01-2104-CT-000021 ("State Court Action") seeking compensatory damages and attorney fees for alleged violations of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 *et seq.*, and the Americans with Disabilities Act, as amended (ADA), 42 U.S.C. § 12101 *et seq.* A copy of Plaintiff's Complaint for Damages is attached as "Exhibit A".

2. Pursuant to 28 U.S.C. § 1331, this Court has original federal question jurisdiction over Plaintiff's claims. Defendant may therefore remove this action to this Court pursuant to 28 U.S.C. § 1441(a) because this action includes a claim arising under the laws of the United States.

3. Defendant was served with the Summons and Complaint for Damages by certified mail on April 19, 2021. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it has been filed within thirty (30) days of service of the Complaint for Damages.

4. On May 11, 2021, Defendant's undersigned counsel entered his appearance in the State Court Action and a Motion for Enlargement of Time to respond to Plaintiff's Complaint for Damages. The Grant County Circuit Court granted that Motion for Enlargement of Time on May 17, 2021. Defendant's response to Plaintiff's Complaint for Damages is due on or before June 11, 2021. There have been no other proceedings in the State Court Action.

5. Pursuant to 28 U.S.C. § 1446(a), a copy of the entire state court file is attached hereto as "Exhibit B" and includes the State Court Record as of the date of this Notice of Removal, including the following: State Court docket sheet, Complaint for Damages (including Exhibit A and Exhibit B to the Complaint), Appearance of Counsel for Plaintiff, Summons issued to Mississinewa Community Schools, Certificate of Issuance of Summons (including Exhibit 1 – Proof of Service), Appearance of Counsel for Defendant, Motion for Enlargement of Time, and Order Granting Defendant's Motion for Enlargement of Time.

6. Pursuant to 28 U.S.C. § 1446(d), Defendant will file a copy of this Notice of Removal with the Grant County Circuit and will serve Plaintiff with both this Notice of Removal and the Notice of Filing Notice of Removal.

7. By removing this action to this Court, the Defendant does not waive any defenses available to it and expressly reserves the right to assert all such defenses.

WHEREFORE, the Defendant respectfully gives notice of the removal of the State Court Action to this Court.

Respectfully submitted,

NORRIS CHOPLIN SCHROEDER LLP

/s/ Kyle A. Jones

Kyle A. Jones (#14274-49)

Attorneys for Defendant, Mississinewa Community Schools

NORRIS, CHOPLIN SCHROEDER LLP
101 West Ohio Street, Ninth Floor
Indianapolis, IN 46204-4213
317/269-9330; FAX: 317/269-9338
kjones@ncs-law.com

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2021 a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

Samuel L. Bolinger
Attorney at Law
803 South Calhoun Street, Suite 300
Fort Wayne, IN 46802
mark@slblawfirm.org

/s/ Kyle A. Jones

Kyle A. Jones